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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,189	04/02/2001	Akio Saito	35.C15267	7310

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EXAMINER
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TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/822,189

**Applicant(s)**

SAITO, AKIO

**Examiner**

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Jan. 24, 2005 have been fully considered but they are not persuasive.

Applicant argues, with respect to claims 25 and 34, that nothing has been found in Lajoie et al that would teach or suggest that the display configuration of the program information for the second program is changed, as time passes, according to at least one of the program information display parameters, as recited in claim 25 and that nothing has been found in Lajoie et al that would teach or suggest the claimed, even in the case that the video images displayed in response to the change from the first program to the second program are images of a commercial video image, the program information for the second program is displayed together with the commercial video image on the display device as required by claim 34.

In response, the examiner respectfully disagrees. Lajoie et al discloses in col. 15, lines 25-28 that "Banner 114 is preferably displayed for a fixed period of time (e.g. 2 seconds) or until an information key 104 is depressed on set-top terminal 6 or its remote control 59". It is clear that the banner 114, which anticipates the claimed display configuration of the program information of the second program, would be changed or disappears after 2 seconds or until an information key 104 is depressed on set-top terminal 6 or its remote control 59. Thus, Lajoie et al does indeed disclose the claimed the display configuration of the program information for the second program is changed, as time passes, according to at least one of the program information display

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parameters, as recited in claim 25. Lajoie et al also discloses in col. 15, lines 22 that "Referring to FIG. 4, the operation of the channel selection function of one embodiment of the present invention is shown. From a first channel display 100, the channel selection function changes channels in response to the depression of a channel up/down key 102 on set-top terminal 6 or its remote control 59. Such a depression causes a second channel display 106 to be displayed. In the preferred embodiment of the channel selection function, a program information banner 114 is displayed indicating the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127". When changing to the second program **during commercial, the banner 114 will be displayed with the commercial.** Thus, Lajoie et al does disclose the claimed, even in the case that the video images displayed in response to the change from the first program to the second program are images of a commercial video image, the program information for the second program is displayed together with the commercial video image on the display device as required by claim 34.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-34 are rejected under 35 U.S.C. 102(b) as being anticipate by LaJoie et al (US Patent No. 5,850,218).

In considering claim 25, LaJoie et al discloses all the claimed limitations, noted 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images for the second program derived from the inputted video data is met by the channel selection function and the display screens 106 and 108 (Fig. 4, col. 15, line 10 to col. 16, line 9), 4) the claimed displaying a setting screen for setting program information display parameters, for changing a display configuration of the program information for the second program is met by a channel setting menu 190 and a general setting menu 224 (Figs. 9 and 10, col. 19, line 39 to col. 20, line 52), and 5) the claimed wherein the display configuration of the program information for the second program is changed, as time passes, according to at least one of the program information display parameters (Figs. 8-9 and 10, col. 19, line 29 to col. 20, line 52).

In considering claim 26, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the

video data from the transport stream data received in said reception step is met by MPEG-2 decompress unit 33 (Fig. 3, col. 14, lines 31-39).

In considering claim 27, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the program information data from the transport stream data received in said reception step is met by the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 ("Fig. 4, col. 15, lines 10-35).

In considering claim 28, the claimed further comprising the step of storing in a memory the program information data derived in said deriving step, wherein the program information for the second program is derived from the program information data stored in the memory is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 29, the claimed further comprising a manual setting step, of setting contents of the program information to be displayed in said program information displaying step is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 30, the claimed wherein said manual setting step includes setting at least one of a display timing, a display area, a display character size, a display

method, a display speed, a number of display repetition, and display contents is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 31, the claimed wherein said program information display step includes displaying in response to turning on of the apparatus, the program information for the first program derived from the program information data, together with video images of the first program derived from the input video data is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 32, the claimed wherein said program information display step includes displaying program information for the second program on the display device in response to a broadcast end of the first program, followed by a broadcast of the second program and display of the video images of the second program is also met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 33, LaJoie et al disclose all the limitations of the instant invention as discussed in claim 25, except for providing the claimed wherein said program information displaying step includes displaying video images of the second program derived from the input video data include commercial video images and, in response to a change from the first program to the second program, the program information for the second program is displayed on the display device together with the

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commercial video images is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55).

In considering claim 34, Alexander et al discloses all the claimed subject matter, note 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), and 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images of the second program derived from the inputted video data, wherein, even in the case that the video images displayed in response to the change from the first program to the second program are images of a commercial video image, the program information for the second program is displayed together with the commercial video image is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT  
June 7, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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